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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,217	10/11/2000	Vinroy Pennington	811	5629

7590

01/04/2002

Law Offices of John D Gugliotta P E Esq  
202 Delaware Building  
137 South Main Street  
Akron, OH 44308

EXAMINER

BOGART, MICHAEL G

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 01/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/686,217

Applicant(s)

Vinroy Pennington

Examiner

Michael Bogart

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10-11-00.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **Detailed Action**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

- ✓ At line 4, the phrase “for provide” is awkwardly worded.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- ✓ Claim 3 recites the limitation “lower support hook” in line 5, while that clause of the claim is apparently directed towards a upper hook.

Claim 4 recites the limitation "the collection receiver" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

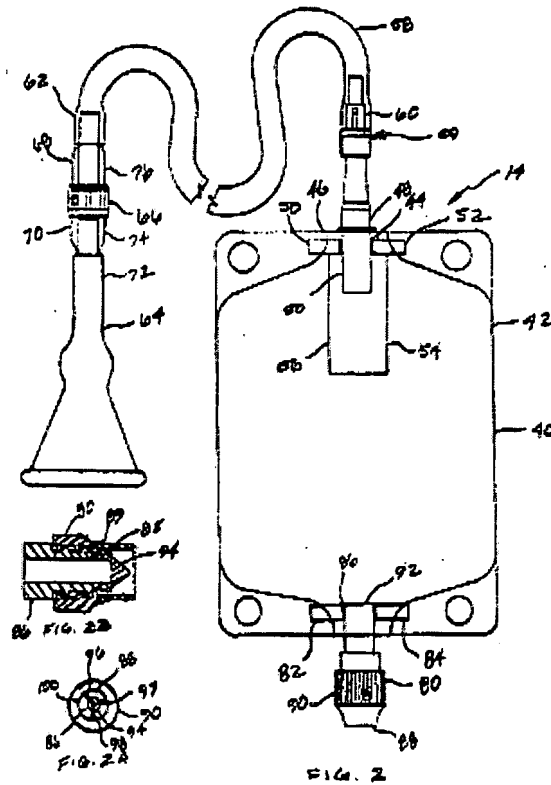
A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

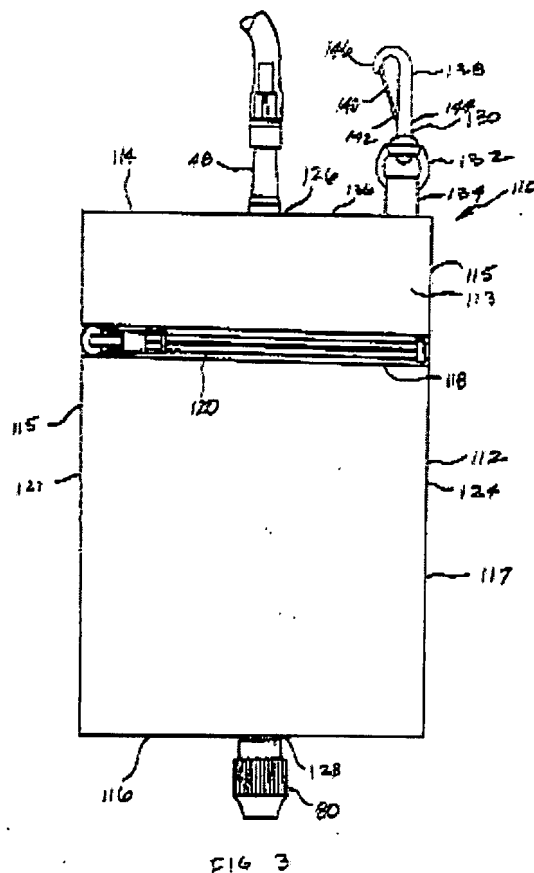
The changes made to 35 U.S.C. § 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. § 122(b). Therefore, this application is examined under 35 U.S.C. § 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

Claim are rejected under 35 U.S.C. § 102(e) as being anticipated by *Edwards* (6,296,627).

Regarding claim 1, *Edwards* teaches a urinal kit (14) comprising:  
a urine receptacle (42);  
and a series of specifically adapted collector funnels (64), each said collector funnel (64) for interchangeable connection with said urine receptacle (42) in order for providing fluid communication thereto (*see* Fig. 2, below).



Regarding claim 2, *Edwards et al.* teach a centrally disposed collection receiver (110) having a front receiver surface (113) parallel to and opposite a rear receiver surface (115), each said surface (113)(115) supporting a pocket forming an internal volume and having an entry orifice (118) releasably closed by a pocket flap (120)(see Fig. 3, below).



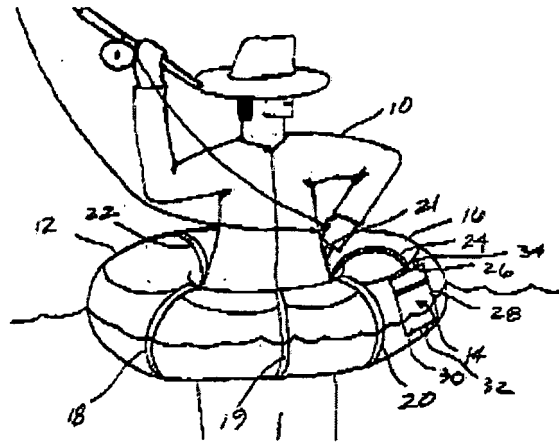
Regarding claim 4, *Edwards* teaches a discharge orifice (88) affixed along a lowermost seam of the collection receiver (42), said receiver discharge (88) in fluid communication with the internal volume of the collection receiver (42), and

a discharge valve (80) terminating said receiver discharge (88) for controllably releasing the contents of the collection receiver (42).

Regarding claim 5, *Edwards et al.* teach a collection conduit (58) along an uppermost seam (46) of the collection receiver (42), said collection conduit (58) in fluid communication with the internal volume of the collection receiver (42) and has a releasable connection (62) for connection with any of said other funnels (64).

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Regarding claim 7, *Edwards* teaches a support attachment (24) affixed to said urine receptacle (see Fig. 1, below).



Regarding claims 8 and 9, *Edwards* teaches a male collector funnel (64); and a female collector funnel (col. 5, line 64).

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

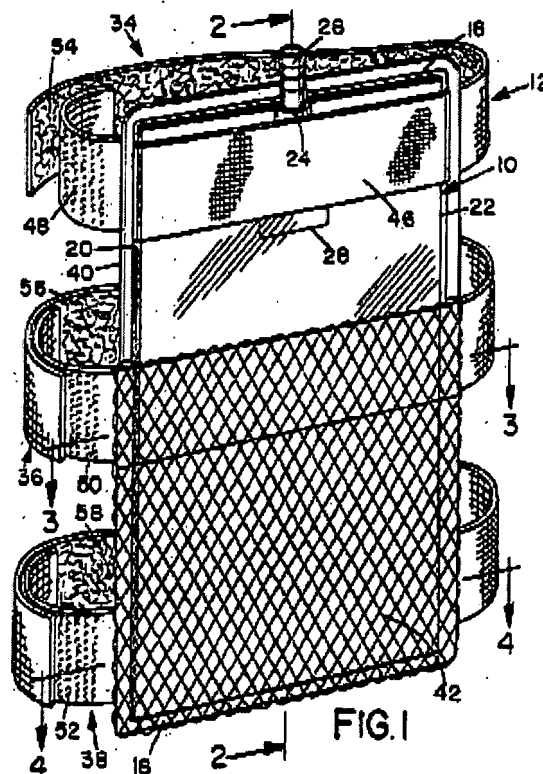
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Edwards* as applied to claims 1, 2, 4, 5 and 7-9 above, and further in view of *Young et al.* (5,531,724).

*Edwards* expressly teaches every element of the claimed invention except for the grasping loops.

*Young et al.* teach urinal kit (10) comprising a lower support loop (38) affixed along the lower portion of a front receiver (40); and an upper support loop (34) affixed along the upper portion of the rear receiver (46)(see Fig. 1, below).



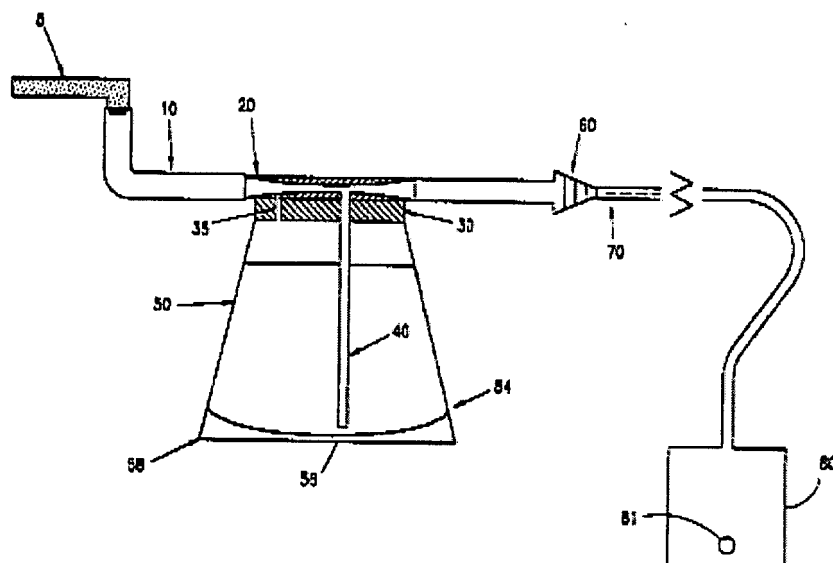
At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the upper and lower loop configuration of *Young et al.* with the urine bag system taught by *Edwards* in order to facilitate carrying of the device.



Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Edwards* as applied to claims 1, 2, 4, 5 and 7-9 above, and further in view of *Rower et al.* (6,039,060).

*Edwards* expressly teaches every element of the claimed invention except for the receiver flushing port.

*Rower et al.* teach a urine bag with a receiver flushing port (60)(see Fig. 1, below).

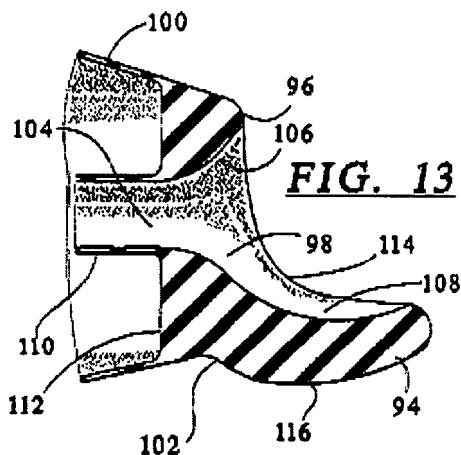


At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the receiver flushing port of *Rower* with the urine bag system taught by *Edwards* in order to provide a cleansing system for the bag (see *Rower* abstract).

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Edwards* as applied to claims 1, 2, 4, 5 and 7-9 above, and further in view of *Levine et al.* (6,183,454).

*Edwards* expressly teaches every element of the claimed invention except for the specific structure of the female collector funnel.

*Levine et al.* teach such a female collector funnel, see Fig. 10, below.



At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the female collector of *Levine et al.* with the urine bag system taught by *Edwards* in order provide compatibility for female users (*Edwards*, col. 5, line 64).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached at telephone number (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.

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Michael Bogart

December 16, 2001

John G. Weiss  
Supervisory Patent Examiner  
Group 3700

Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

**1. Correction of Informalities -- 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.